

REMARKS

The present after final amendment is in response to the Office Action dated June 20, 2005 in which the Examiner rejects claims 1-20.

In response, Applicant amends the claims to the embodiment described by Applicant's Figures 1, 2 and 4. Specifically, Applicant amends claims 1, 3-5, and 7-20. Applicant asserts that the now pending claims are patentable over the cited prior art as discussed below, and respectfully requests that the Examiner issue a notice of allowance for the now pending claims.

A. Rejection of claims under 35 U.S.C. 102(b)

The Examiner rejects claims 1-2, 5-7, 9-10, 13-15, 17 and 20 under 35 U.S.C. 102(b) as anticipated by Oda (U.S. Patent No. 5,703,932). These claims include independent apparatus claims 1, 9 and 17.

Oda discloses a telephone having a linearly aligned number keypad on the front side of the case 2. However, Oda also includes the display 19 on the same front side of the case. Applicant has amended the independent claims to claim embodiments of the inventions shown in Figures 1, 2 and 4 of Applicants specification. As illustrated, Applicant's display 220, 220a, 220c are on the front face 110, 110a, 110c and the keypad is on the side face 160, 160a, 160c. Therefore, In response to the rejection, Applicant has more precisely claimed the inventions of independent claims 1, 9 and 17 by amending these claims such that the display face is distinct and separate from the side face which contains the telephone number keypad.

Independent Claim 1 and dependent claims 2-8.

Specifically, claim 1 comprises, inter alia, " a display disposed in and outwardly directed from the front face of the housing; a phone number keypad disposed in and outwardly directed from the first side face ". Claim one also comprises the first side face substantially perpendicular to the front face such that the display and number keypad cannot be construed to be on the same face.

Independent Claim 9 and dependent claims 10-16.

Similarly, claim 9 comprises a front face comprising a display and "a side face substantially perpendicular to the front face and having the maximum height H and a thickness T, the side face comprising: a phone number keypad". Thus, the display and the number keypad do not appear on the same face as disclosed by Oda.

Independent Claim 17 and dependent claims 18-20.

Claim 17 comprises, among other things, "a housing comprising a display face having a length L and a width W, a telephone keypad face substantially perpendicular to the display face and having the length L and a depth D", and the display face comprises the display and the telephone keypad face comprises the telephone keypad. In contrast Oda discloses a front face that contains both of these elements.

Because Oda does not teach or suggest each and every element of independent claims 1, 9 and 19 as amended, and because the remaining rejected claims are dependent upon one of these base claims, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. 102(b).

B. Rejections of claims under 35 U.S.C. 103(a)

1. The Examiner rejects dependent claims 3, 4, 11, 12, 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Brandis (U.S. Design Patent No. D497,601). Claims 3 and 4 and dependent on independent claim 1, claims 11 and 12 are dependent on independent claim 9, and claims 18 and 19 are dependent on independent claim 17. Applicant has amended the independent claims 1, 9 and 17 to claim embodiments of inventions as described by Figures 1, 2 and 4 of Applicant's specification. Applicant asserts that Brandis does not cure the basic deficiencies of Oda. That is, Brandis does not teach a front face substantially perpendicular to a side face as claimed by Applicant in all of the independent claims.

As can be seen in Figure 1 of the Brandis design patent, the display and the keypads are visible and accessible from the front face of the phone since the edges of the phone are curved like a saucer. Thus, the curved edges allows the keypads to be

viewed from a side view as shown in Figure 5. However, this is not the embodiments that are claimed by Applicant in independent claims 1, 9 and 17. Since Applicant's claimed invention has substantially perpendicular front and side faces, the telephone keypad is not completely visible from the front face. This allows Applicant to present a phone with a width that is four time less than the length of the phone. In contrast, the Brandis phone has a width approaching that of the length since the keypads are accessible from the front face. Since the design patent does not teach or suggest Applicants phone configuration, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S. 103(a) for the now pending claims.

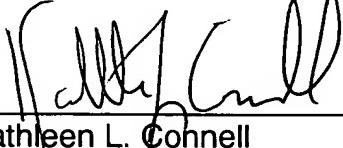
2. The Examiner rejects dependent claims 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Sato (U.S. Patent No. 6,625,283). Claim 8 and 16 have been amended such that the embodiment of less than 10 keys is no longer claimed. Applicant asserts that Sato, alone or in combination with the Brandis design does not cure the basic deficiencies of Oda. Specifically, Sato does not teach the use of a telephone keypad having at least 10 keys numbered 0-9 (a standard telephone keypad) for dialing a phone number. In fact, Sato teaches away from a ten-key keypad (see background, Col 2, lines 1-44. As shown in Figures 1-6, Sato utilizes five (5) keypads positioned so that there is a key for each finger. These keys are then pressed in a combination code, as shown in Col 5, to input a particular number or letter. Thus, the keys of Sato do not operate like a standard telephone keypad. In contrast, Applicant claims a keypad comprising at least 10 keys 0-9 for inputting a phone number. Thus, Applicant respectfully asserts that Sato, alone or in combination with Brandis, does not cure the basic of Oda, and as such the claimed invention is patentable over the cited prior art references.

C. Conclusion

Applicant respectfully requests that the Examiner issue a notice of allowance for the pending claims 1-20 as the cited prior art does not anticipate the claimed invention

and does not render the claimed invention obvious. Should the Examiner require further information, the Examiner is invited to contact the Applicant's representative at the number listed below.

Respectfully Submitted,

By: 
Kathleen L. Connell
Attorney for Applicant
Registration No. 45,344

KYOCERA WIRELESS CORP.
Attn: Intellectual Property Department
P.O. Box 928289
San Diego, California 92192-8289
Direct Dial: (858) 882-2169
Direct Fax: (858) 882-2485